

SUPREME COURT
New York County.

John R. Hardin, as Receiver of
the North American Phonograph
Company,

Plaintiff,

— a g a i n s t —

The North American Phonograph
Company, Thomas A. Edison, Thomas
R. Lombard Scott Tremain, Cleve-
land Walcott, Robert L. Thomas,
Michael W. Nolan and Alfred O.
Tate,

Defendants.

FILED
SEP 14 1895

P E T I T I O N .

Stimson and Williams,
Attorneys for Petitioner,
Office & P. O. Address,
#55 Liberty Street, N.Y.

*Within Baker's record
Sept 5. 1895
Gladstone Bush
att'y &c*

S U P R E M E C O U R T

N e w Y o r k C o u n t y .

John R. Hardin, as Receiver of the
North American Phonograph Company,
Plaintiff,

a g a i n s t

The North American Phonograph Company,
Thomas A. Edison, Thomas R. Lombard, Scott
Tremain, Cleveland Walcott, Robert L. Thomas,
Michael W. Nolan and Alfred O. Tate,
Defendants.
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Sir:-

Please take notice that upon the annexed
Petition, on the 16th day of September, 1895, at 11 O'clock
A. M. or as soon thereafter as counsel can be heard, we
shall move this Court at a special term to be held at
Chambers thereof in the County Court House in the City
of New York, for an Order authorizing John R. Hardin,
Esquire, as Ancillary Receiver of the North American Phono-
graph Company, to transmit to himself as principal Re-
ceiver of said Company, the sum of \$2434.66 now on de-
posit in the New York Security and Trust Company, and
for such other or further relief as may be proper.

Yours &c,
Stimson and Williams,
Attorneys for Plaintiff,
#55 Liberty Street, New York.

To/
J. Adriance Bush, Esquire,
Attorney for Defendants, American Phonograph Company
and others.

S U P R E M E C O U R T

N e w Y o r k C o u n t y .

JOHN R. HARDIN, as Receiver of the North #
American Phonograph Company, #
Plaintiff, #

a g a i n s t #

The North American Phonograph Company, Thomas #
A. Eduson, Thomas R. Lombard, Scott Tremain, #
Cleveland Walcott, Robert L. Thomae, Michael #
W. Nolan and Alferd O. Tate, #
Defendants. #

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TO THE ABOVE ENTITLED HONORABLE COURT:

The Petition of John R. Hardin,
as Ancillary Receiver &c., respectfully shows:

That the Defendant, the North American
Phonograph Company is a Corporation organized and exist-
ing under and by virtue of the Laws of the State of New
Jersey.

That the other defendants above named
have no legal interest in this litigation and were made
parties simply because they were Directors or Trustees of
the insolvent corporation and because it might be neces-
sary to enjoin them from interference with its assets.
That no such interference has been at any time threat-
ened or is now possible, and that your Petitioner in -
tends to move for the striking out from the Summons and
Complaint herein of the names of such of said defendants

as have not been served with a Summons or voluntarily appeared.

That the defendants who have been served or who have appeared herein are;

The North American Phonograph Company, Thomas R. Lombard, Robert L. Thomae, Alferd O. Tate, Scott Tremain, Michael W. Nolan and Cleveland Walcott, all of whom have appeared by J. Adriance Bush, Esquire, their Attorney of Record.

That heretofore such proceedings were had in a suit then pending in the Court of Chancery in New Jersey, wherein Walter Cutting as Executor of the Last Will and Testament of Robert L. Cutting and James Gaunt were Complainants and The North American Phonograph Company was Defendant; that on the 21st day of August, 1894, a Decree was duly made and entered appointing your Petitioner Receiver of all the ~~g~~ goods, chattels, property and effects of said, The North American Phonograph Company.

That thereafter this action was begun and such proceedings herein were had that on the 22nd day of *August 1894* at a Special Term of this Court held in and for New York County, your Petitioner was appointed Ancillary Receiver of the property and effects of the said Company; That your petitioner duly qualified both as original and ancillary Receiver and since his appointment as such, has been and now is, engaged in the administration of such Receivership Trusts.

That the only assets of said Company with-

in the State of New York were certain credits and chattels which have been sold or otherwise converted into cash, which cash now amounts to the sum of \$2434, 66 and is now on deposit in the New York Security and Trust Company, a domestic corporation carrying on its business in the City of New York.

That no lien upon or preferred claim to such cash deposit exists or is claimed to exist in favor of any creditor or stockholder of said Company, and that due and economical administration of the insolvent estate committed as aforesaid to your Petitioner requires that the entire estate should be administered as one Trust Fund.

That your Petitioner as Receiver of said Company in New Jersey, has realized from the insolvent estate upwards of \$30000. in cash and besides that, said estate includes various valuable properties not yet reduced to cash, for which your petitioner has received but by direction of the Court declined, a bid of \$125000. That the division and distribution of the principal part of the insolvent estate among those entitled to it must therefor of necessity be made in the jurisdiction of the principal Receivership where the principal business of the insolvent Corporation was carried on; where the creditors of such corporation must collect substantially the entire amounts of the dividends to be paid by your petitioner; and where all claims on the part of creditors of the estate that have been presented at all, have been presented to your Petitioner

That the Order herein whereby your Petitioner was appointed Ancillary Receiver as aforesaid, directed that no portion of the said Company's assets should be removed from this State until the further Order of this Court.

Your Petitioner therefore prays that an Order may be made authorizing him to transmit to himself as the Original and Principal Receiver of said Company, the sum of \$2434.66 now on deposit in this State as above set forth.

Stimson and Williams,
Attorneys for Petitioner,
Office and P. O. Address,
#55 Liberty Street, N.Y.

CITY AND COUNTY OF NEW YORK:SS:

J O H N R. H A R D I N, being duly sworn,
says; That he is the Petitioner herein; that the foregoing petition is true to his own knowledge except as to the matters therein stated to be alleged upon information and belief and that as to those matters he believes it to be true.

Sworn to before me this

5th - day of September 1895.

E. P. Johnson
Notary Public
for New York Co.



N.Y. Supreme Court

John R. Hardin
as Receiver &c

Plaintiff

against

The North American
Phonograph Company
Etal

Defendants

Notice of Appearance

of Defendants The Nat Co. Phonograph

Molan & Walcott

J. Adnae Bush
Attorney for said Defendants

Due service of a notice, of which a copy is hereby admitted this
day of August 1894

For Messrs Thursar & Williams
Plaintiff's Attorney

55 Liberty St
R Sept 6, 1894

Supreme Court New York County
John R. Hardins Receiver of the
North American Phonograph
Company

Plaintiff

Notice of Appearance.

against
The North American Phonograph Company
Thomas A. Edison Thomas R. Lombard
Scott Freeman Cleveland Walcott
Robert L. Thomas Michael W. Nolan
Alfred O. Tate

Defendants

Sir: Please take Notice, That the defendants the North American
Phonograph Company, Scott Freeman and Michael W. Nolan and Cleveland Walcott hereby
appear in the above entitled action, and that I am retained as Attorney for
them therein, and hereby demand that a copy of the complaint, and of
all other papers in this action be served on me at my office,
number 10 Wall Street New York City

Dated, N.Y. August 31st 1894 Yours, &c.

To Stimson & Williams Esqs
Plaintiff's Attorney.
55 Liberty Street N.Y.

J. Adriance Bush
Attorney for Defendants
as above designated
Office and Post Office Address:

N.Y. Supreme Court

John R. Hardin as
Receiver &c

Plaintiff

against

Thomas R. Lombard
Impleaded &c

Defendants

Notice of Appearance.

J. Adnaie Bush
Attorney for Defendant
Lombard Thomas &c

Due service of a notice, of which the within is
a copy, is hereby admitted this
day of 189

To
Gunsam & Williams
Plaintiff's Attorneys
55 Liberty St.
Rec. Nov. 7, 1894.

Supreme Court, New York County
John R. Hardin as Receiver of
The North American Phonograph
Company

Plaintiff

against

Notice of Appearance.

Thomas R. Lombard, Robert
L. Thorne, Alfred Q. Tate,
Impleaded &c

Defendants

Sirs Please take Notice, That the defendants Thomas R. Lombard
Robert L. Thorne and Alfred Q. Tate hereby
appear in the above entitled action, and that I am retained as Attorney for
them therein, and hereby demand that a copy of the complaint, and of
all other papers in this action be served on me at my office,
number 10 Wall Street, New York City, N.Y.

Yours, &c.
1894

Dated, November 7th

J. Admire Bush

Attorney for Defendants
above named

To Shinson & Williams, Esqs.,
Plaintiff's Attorneys

55 Liberty Street
N.Y.

Office and Post Office Address:
10 Wall Street
New York City, N.Y.

CO 1395, H 517
Subscribed the Summons
Scruple, and
affirming Receiver and
other papers in this
action -

1893

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SUPREME COURT,
CITY and COUNTY of NEW YORK.

2/0

JOHN R. HARDIN,
as Receiver, etc.,
Plaintiff,

vs.

THE AMERICAN PHONOGRAPH CO.,
et al.,
Defendants.

and signed
1893

O. R. D. E. R.

FILED
SEP 17 1895

Stimson & Williams,
Attorneys for Plaintiff,
#55 Liberty Street,

FILED
New York.
SEP 19 1895

At a Special Term of the Supreme Court, held in the Chambers thereof in the Court House, in the City and County of New York, on the 18 day of Sept., 1895.

P R E S E N T :

Hon.

Henry R. Beekman

Justice.

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John R. Hardin, as Receiver of
The North American Phonograph Co.,
Plaintiff,

vs.

The American Phonograph Co., Thos. A.
Edison. Thos. R. Lombard, Scott Ro-
main, Cleveland Walcott, Robt. L.
Tomaes, Michael W. Nolan, and Alfred
O. Tate. Defendants.
-----X

On reading and filing the petition of the plaintiff, verified Sept. 5, 1895, and notice of motion herein and the admission of service of the attorney for the defendants, who have appeared herein, and on motion of Stimson & Williams, attorneys for said plaintiff, it is hereby ordered that John R. Hardin, the plaintiff, as ancillary receiver of The North American Phonograph Co., be, and he hereby is, authorized to transmit to himself, as principal receiver of said company, the sum of \$2,434.66 now on deposit to his credit as such ancillary receiver in the New York Security & Trust Co.

Henry R. Beekman